

HSCA Advisory Committee
DNREC's New Castle Field Office
391 Lukens Drive, New Castle, DE
Dec. 6, 2018
Draft Meeting Minutes

Attendees:

Marianne Cinaglia, DESI
Ken Dryden, DCR4EJ
Kathy Fox, EA
Stephanie Herron, DCR4EJ
Casey Keener, KCI
Marva King, DCR4EJ
Nora Lober, Penonni
Michelle Roberts, DCR4EJ
Doug Seavey, Landmark
Bill Smith, Environmental Alliance
Kathy Stiller, BrightFields Inc.
Harley Yerkes,
Chris Whallon, Duffield
Michele Wolfe, KCI
EPA-Region 3
Gianna Rosati
Kristeen Gaffney
Brett Gilmartin
NJIT
Elizabeth Limbrick

DNREC

James Brunswick
Eileen Butler
Marj Crofts
Barb Fawcett
Lindsay Hall
Jill Williams-Hall
Melissa Leckie
Tim Ratsep
Qazi Salahuddin
Lori Spagnolo
Kristen Thornton
Paul Will
Jill Williams-Hall
Christina Wirtz
Dept. of Justice
Keith Brady
Delaware Division of Small Business
Patty Cannon

Introductions and Opening Remarks – Tim Ratsep welcomed members and attendees.

Approval of Sept. 7, 2018 Draft Meeting Minutes – The minutes were unanimously approved.

Department, SIRS and TMS Updates – Marj Crofts announced her retirement at the end of the month, and David Fees' new appointment as Division Director of Air Quality.

- **Updates for TMS** – TMS is continuing to work with EPA in drafting changes to the UST regulations to make sure they are consistent with the federal regulations. As of 12/4/2018, the Tank Management Section Heating Fuel Closure Assistance Program received 796 applications, issued 860 task orders for work to be performed, completed 761 projects, and issued 755 No Further Action letters. The Program recently competitively bid and re-issued state contracts to Coastal Pump and Tank, J&M Industries, and First State Petroleum. TMS is continuing to review and update the Delaware Risk Based Corrective Action document's exposure assumptions and toxicity values, which will result in changes to the program's screening and cleanup levels.
- **Updates for SIRS** – SIRS is continuing to work on the amended HSCA regulations. The lease for the Lukens building has been extended for one year. Pam Livingston will be retiring at the end of December.

Delaware Dept. of State, Division of Small Business - Patty Cannon discussed her new role with the Division of Small Business. She has been very busy working with county and municipal

representatives on business development and the Angel Investor Tax Credit and Opportunity Zone programs in Delaware. The Angel Investor Tax Credit provides a refundable tax credit for qualified investors in innovative, Delaware-based small businesses, with the objective of connecting high-tech entrepreneurs with new sources of capital. Opportunity Zones are a nationwide economic development tool designed to attract private investment and create economic opportunity in economically-distressed communities. Investments in these zones are designed to qualify for tax incentives. Governor Carney hosted the first Opportunity Zone Summit in partnership with the Biden Institute in Dec. 2018 to discuss the unique tax benefits with universities, developers and businesses from across the nation. For more information, please visit: <https://business.delaware.gov/opportunity-zones/> Michelle Roberts expressed concerns regarding how exactly economically-distressed or underserved communities would be engaged in the process. Also expressed concerns regarding air quality issues along the Route 9 corridor, specifically, dust generated by Diamond Materials. Asked to whom she should direct her concerns and was provided with contact information for David Fees, the new director of the Division of Air Quality.

HAC Subcommittee Report-outs:

- **Technical Subcommittee** – Qazi Salahuddin discussed the Mass Loading Guidance.

NJIT Brownfields 101 Presentation – Elizabeth Limbrick provided a presentation on the Technical Assistance to Brownfield Communities Program (TAB). NJIT is a TAB provider funded by EPA to provide free educational sessions on engaging communities, securing grants, and other informational brownfields workshops, conferences and boot camps. NJIT provides the service to state, regional, county, tribal and local government entities and nonprofits. Although NJIT can provide education seminars and review grant proposals, they do not do the cleanups or actual grant writing. Eligible parties do not need to be a 501 c(3) or even apply for a brownfields grant. They need only be interested in learning about, identifying, assessing, cleaning up and/or redeveloping a brownfields site in EPA Regions 1, 4 and 4.

More info, per Elizabeth's discussion on Northeast Sustainable Community Workshop: <https://www.brownfieldcoalitionne.org/the-nscw> and the Brownfields Coalition of the Northeast: <https://www.brownfieldcoalitionne.org/>

Additional EPA Brownfields program resources from Kristeen Gaffney with EPA: <https://www.epa.gov/brownfields/solicitations-brownfield-grants>

<https://www.epa.gov/brownfields/targeted-brownfields-assessments-region-3-eligibility>

<https://www.epa.gov/brownfields/targeted-brownfields-assessments-region-3-how-apply-criteria>

<https://www.epa.gov/brownfields/types-brownfields-grant-funding>

HAC Subcommittee Report-outs Continued:

- **Finance Subcommittee** – Jill discussed the proposed changes to the Brownfields Certification and Grant Application and the new email box to receive the applications.
- **Regulatory Subcommittee** – Tim and Jill discussed the proposed HSCA amendments, workshops and public hearing for the HSCA regulations, which will be held on Jan. 9, 2019. Keith Brady discussed brownfields redevelopment at large industrial sites where phased development occurs and several entities or sub-developers are involved. May

need to sign separate BDAs. TMS' Eileen Butler discussed the schedule for the proposed tank regulations with the next draft expected by mid-December. TMS is also considering amending the underground storage tank and aboveground storage tank laws, Chapter 74 and 74A, to include provisions for liability protections for Brownfields Developers. This would codify the current practice of granting liability protection for the tank programs, as well as HSCA, in the Brownfields Development Agreement when requested by the Brownfields Developer.

- **Outreach & Education Subcommittee** – Christina handed out the new brownfields brochures for final comment.
- **Ecological Revitalization & Green Restoration Group** – Kristen Thornton discussed the group drafting ecological guidelines for brownfields reimbursement for green infrastructure and use of native plants; BMPs for storm water; and benefits for pollinators/habitat.
- **Business/Public Comments** – Dr. King asked what DNREC was doing to assist grassroots organizations in Delaware. Ken Dryden indicated underserved communities need help as navigating through the brownfields process is very difficult. Michelle Roberts mentioned working with Mathy Stanislaus of the EPA, and asked if there was moral/political/spiritual courage to be more creative and dig deeper to work out community issues. Stephanie Herron shared her comments on brownfields redevelopment and the new Opportunity Zones. She suggested that the focus should be on the health of the nearby community, esp. when bringing in new business. In addition, there should be a focus on jobs for the communities who need them and live near the sites, including job training programs. In addition to prioritizing the cleanup of sites, SLR should also be a big concern near the coast for polluting industries. EJ needs to be included as well. Dr. King indicated that it takes moral courage for change and referenced a quote from Margaret Mead. “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.”

Next meeting will be on March 7, 2019 at 9:00 AM at the DNREC Enterprise Building, Enterprise Business Park, 97 Commerce Way, Dover, DE 19904. Phone: 302-739-9901.